



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAY 14 2010

OFFICE OF PETITIONS

In re Patent of Dash : DECISION ON REQUEST
Patent No. 7,609,278 : FOR RECONSIDERATION OF
Issue Date: October 27, 2009 : PATENT TERM ADJUSTMENT
Application No. 10/633,436 : AND NOTICE OF INTENT TO
Filing Date: July 31, 2003 : ISSUE CERTIFICATE OF
Attorney Docket No. 07844-0601001/P554 : CORRECTION

This is a decision on the petition filed December 18, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by one thousand seven hundred twenty-three (1723) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by one thousand seven hundred twenty-three (1723) days is **GRANTED**.

Patentee does not dispute the Office's prior determination the period of delay under 35 U.S.C. § 154(b)(1)(A) ("A Delay") is 1,223 days.

Patentee contends the period of delay under 35 U.S.C. § 154(b)(1)(B) ("B Delay") is 1,061 days. A review of the record indicates Patentee is correct and the period of B Delay is 1,061 days.

Patentee contends the number of days of overlap between A Delay and B Delay is 507 days. A review of the record indicates Patentee is correct and the period of overlap is 507 days.

As part of Patentee's duty of good faith and candor, Patentee contends the period of delay under 35 U.S.C. § 154(b)(2)(C) ("Applicant Delay") is 54 days, not 0 days. A review of the record indicates Patentee is correct and the period of Applicant Delay is 54 days.

The patent term adjustment is 1,723 days, which is the sum of 1,223 days of A Delay and 1,061 days of B Delay reduced by 507 days of overlap and 54 days of Applicant Delay.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **one thousand seven hundred twenty-three (1723)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,609,278 B1
ISSUE DATE : October 27, 2009
INVENTOR(S) : Dash

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1223 days.

Delete the phrase "by 1223 days" and insert - by 1723 days--